

Application No. 10/743,367
July 21, 2009

Attorney Docket No. RG/G-33515P1
LNG File 63684.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mahendra R. Patel, et al.
Application No.: 10/743,367
Filing Date: December 22, 2003
Confirmation No.: 7967
Title: Extended Release Antibiotic Composition
Examiner: Susanna Moore (571-272-9046)
Group Art Unit: 1624

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

In response to the Office Action dated June 25, 2009, the Applicants submit the following remarks.

Claims 1 – 20 are currently pending. Claims 1, 15, and 20 are the pending independent claims. In the Office Action, the Examiner has issued two separate election of species requirements. First, the Examiner takes the position that the claims are directed to patentably distinct species based upon the type of antibiotic used in the composition. The Examiner requested that the Applicants elect one of the antibiotics listed in Claim 5 for initial examination. From this group, Applicants hereby elect clarithromycin, but this election is made with traverse and is solely for the purpose of advancing prosecution of this case.